

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars:

In the claims

Claims 38-41 are amended to more clearly set forth the present invention. Support for the amended claims is found in Applicant's provisional Application No. 60/443,331 filed on January 29, to which the present application claims priority, as explained in greater detail below.

Rejection of claim 38 under 35 U.S.C. § 102(b)

Claim 38 presently stands rejected as being anticipated by Gambino (U.S. 1,426,978). This rejection is respectfully traversed for at least the following reasons.

As defined in the amended claim 38, the present invention is directed, generally, to a padlock comprising a housing, a shackle and a confining block. The housing has a first hole and a second hole both in communication with an inside of the housing. The shackle has a root section and a free section extending from the root section. The confining block includes a block portion located outside the housing and a stem portion extending from a bottom of the block portion but received inside the housing. Through the first and second holes of the housing, the root section of the shackle and the stem portion of the confining block are received inside the housing.

In contrast, Gambino discloses a case 1 defining two openings 4 for insertion of the parts 10 and 11 of a shackle 5 into the inside of the case 1, as shown in FIG. 2 of Gambino. Further, a cylindrical portion (stem portion) which extends below the discs 3 (block portion) is located inside of the case 1, and is wider than a diameter of the respective opening 4. The cylindrical portion is not received inside the case 1 via the opening 4. Therefore, Gambino does not disclose or suggest a confining block including a

block portion and a stem portion extending from a bottom of the block portion and received inside the housing via a hole of the housing.

Furthermore, the block portion of the confining block of the present invention is located *outside of the housing*. In particular, the block portion defines a receptacle which is also *outside of the housing* for receiving the free section of the shackle.

In contrast, the discs 3 of Gambino are mainly located inside the case 1, as shown in FIG. 2 of Gambino, and only partly exposed outside the case, as shown in FIG. 3. However, a receptacle 9 of the discs 3 is completely defined inside the case 1, which differs from the receptacle of the present invention. That is, Gambino does not disclose or suggest a confining block having a block portion defining a receptacle outside the housing.

For at least these reasons, Gambino fails to disclose or suggest each and every element set forth in claim 38, and therefore Gambino does not anticipate claim 38. Accordingly, it is respectfully submitted that claim 38 is allowable over the cited reference, and withdrawal of the rejection is requested.

Rejection of claims 38-41 under 35 U.S.C. § 103(a)

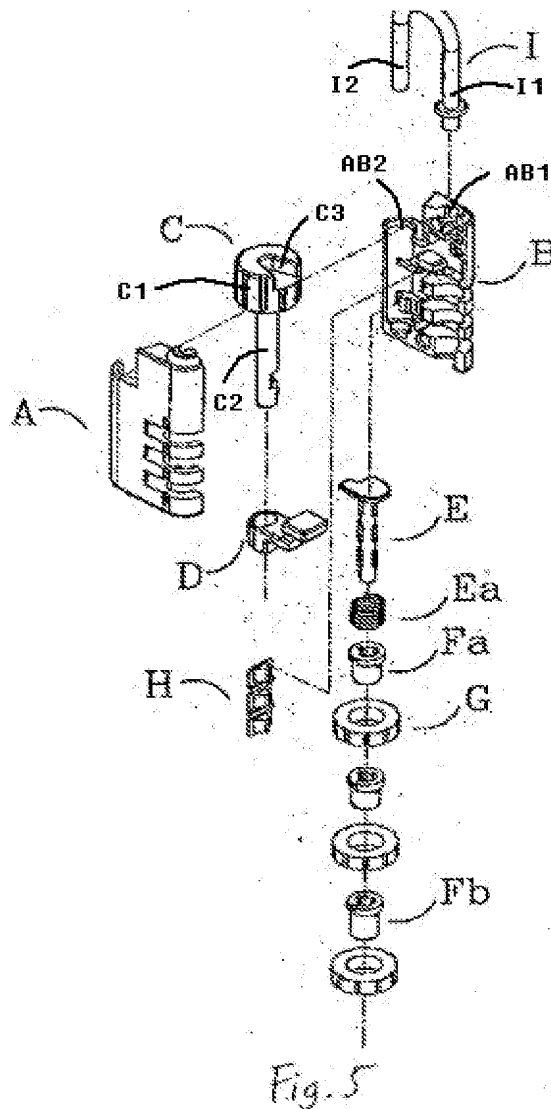
Claims 38 and 40 presently stand rejected as being unpatentable over Loughlin (U.S. 2004/0226324) in view of Fleming et al. (U.S. 4,876,866), and claims 39 and 41 are rejected as being unpatentable over Loughlin and Fleming in view of Lai (U.S. 6,035,672). These rejections are respectfully traversed for at least the following reasons.

The amended Claims 38-41 more clearly point out the presently claimed invention as clearly supported by Applicant's provisional Application No. 60/443,331 filed on January 29, 2003 (hereafter referred to as the '331 Provisional Application), to which the present application claims priority.

The Examiner has noted that Loughlin claims priority to provisional application 60/470,999, filed on May 16, 2003. However, Applicant notes that the '331 Provisional Application was filed on January 29, 2003, well prior to the earliest reference date of Loughlin.

It is respectfully submitted that all of the features defined in the amended claims 38-41 are fully supported not only by the present application but additionally by FIGS. 5-8 of the '331 Provisional Application.

Referring to FIG. 5 from the '331 Provisional Application, reproduced below and annotated for clarity, support is found for the present invention generally directed to a padlock, comprising a housing (A+B), a shackle (I), a confining block (C) and a numeral wheel set.



The housing (A+B) has a first hole (AB1) and a second hole (AB2) both in communication with an inside of the housing (A+B) and facing in a same direction.

While the Examiner has indicated that the provisional application is not regarded as providing a clear support for a longer shackle leg and a shorter shackle leg, Applicant respectfully disagrees. However, in the interest of clarity, the parts of the shackle (I) have been renamed as a root section (I1) and a free section (I2) in the amended claims. The root section (I1) of the shackle (I) is partly received in the housing (A+B) via the first hole (AB1) of the housing, and the free section (I2) of the shackle (I) extends from the root section (I1) and is disposed outside the housing (A+B).

Referring to FIGS. 7 and 8 from the '331 Provisional Application, reproduced below, the free section (I2) of the shackle (I) is rotatable about the root section (I1) to a locked position (as shown in FIG. 7) and an unlocked position (as shown in FIG. 8).

In each position (FIG. 7 or FIG. 8), the free section (I2) of the shackle (I) is outside the housing (A+B). On the other hand, as best seen in FIG. 5, the confining block (C) including a block portion (C1) located outside the housing (A+B) and a stem portion (C2) received inside the housing (A+B) via the second hole (AB2). The stem portion (C2) extends from a bottom of the block portion (C1). The block portion (C1) has a receptacle (C3) which is outside the housing (A+B). The block portion (C1) together with the stem portion (C2) is rotatable with respect to the housing (A+B), as shown in FIGS. 7 and 8.

The receptacle (C3) of the block portion (C1) of the confining block (C) has a first opening defined in top of the block portion (C1) and a second opening defined in a side of the block portion (C1), and the second opening is in communication with the first opening. The first opening is configured for receiving the free section (I2) of the shackle (I) when the free section is placed in the locked position (FIG. 7). The block portion (C1) of the confining block (C) is rotatable between a first position, as shown in FIG. 7, where the free section (I2) of the shackle (I) is prohibited from entrance into or withdrawal from the receptacle (C3) of the block portion (C1) via the second opening, and a second position, as shown in FIG. 8, where the free section (I2) of the shackle (I) is allowed to be rotated

about the root section (I1) of the shackle (I) for entrance into or withdrawal from the receptacle (C3) of the block portion (C1) via the second opening.

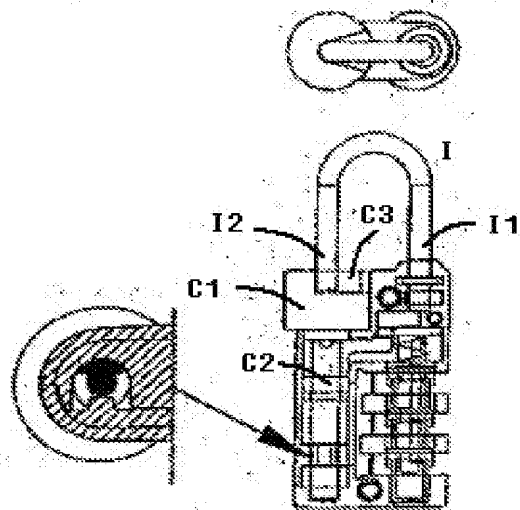


Fig. 7

LOCK

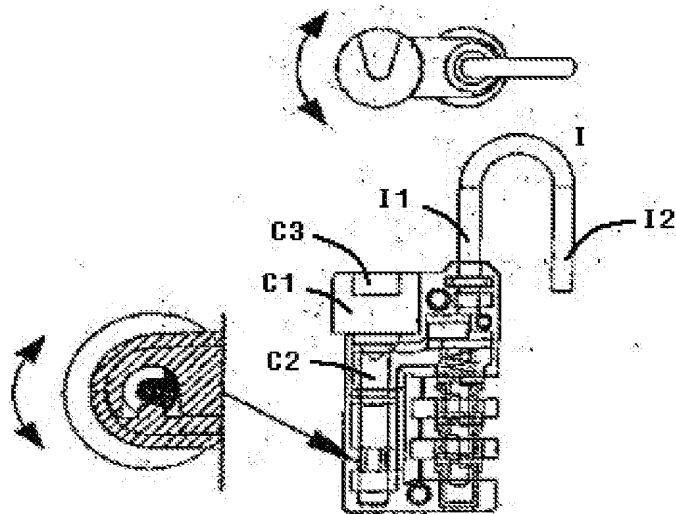


Fig. 8

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The numeral wheel set is disposed in the housing (A+B) and includes a shaft (E), a plurality of inner sleeves (Fa, Fb) and a plurality of digit-wheels (G). The shaft (E) of the numeral wheel set is parallel with the stem portion (C2) of the confining block (C) and lies diagonally opposite to the block portion (C1) of the confining block (C). The inner sleeves (Fa, Fb) are in parallel with one another and are placed around the shaft (E). Each of the digit-wheels (G) is mounted around a respective one of the inner sleeves (Fa, Fb).

It is respectfully submitted that since the '331 Provisional Application fully supports all of the features of Claims 38-41, and has a filing date prior to the Loughlin reference, the rejections based on Loughlin cannot be maintained. Hence, the cited references do not form a prima facie case of obviousness of any of claims 38-41. Therefore, it is respectfully submitted that claims 38-41 are allowable over the cited references, and withdrawal of these rejections is requested.

Double patenting rejections

Claim 38 is presently rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 7,493,785 in view of Gambino, and claims 38 and 40 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 2 of U.S. Patent No. 7,340,927. Applicant has submitted herewith a terminal disclaimer directed to the '785 patent and the '927 patent. It is respectfully submitted that the submission of the terminal disclaimer obviates these rejections. Accordingly, withdrawal of these rejections is requested.

Conclusion

In view of the amendments to the claims, and in further view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is requested that claims 38-41 be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicant's attorney, the Examiner is invited to contact the undersigned at the numbers shown.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "John R. Schaefer", with a stylized, sweeping flourish at the end.

Date: March 29, 2010

JOHN R. SCHAEFER
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